

Washington, DC -- Since 2002, the Guantanamo Bay detention facility has held some of the world's most dangerous terrorists, including the mastermind of the World Trade Center attack that killed nearly 3000 innocent Americans. This war criminal, Khalid Sheikh Mohammed has already confessed to the crime. But instead of facing a war tribunal set up to prosecute terrorists for this very purpose, he and his five co-conspirators will be tried in federal court in New York City just blocks from the scene of the crime.

The U.S. attorney general has decided to bring the case in open criminal court, affording the terrorists full legal protections under the U.S. Constitution and granting them a public platform to spew their ideology of hatred. No doubt the proceedings will be used as a recruitment tool among Muslim extremists around the globe.

This was unnecessary and an ill-advised decision on the part of the attorney general. It should have been overturned by President Obama. Legislation was signed into law three years ago authorizing the creation of military tribunals to prosecute suspected terrorists. The Military Commissions Act provides clear guidelines for detaining and administering justice to terrorists. It strikes a balance between protecting the safety of Americans and providing unlawful enemy combatants engaged in hostilities against the United States with procedural due process.

Even the governor of New York, David Paterson, expressed dismay at the attorney general's decision, saying that being reminded of the terrorist attacks is "very painful" for New Yorkers and that the city is "still still having trouble getting over it." Paterson added, that holding civilian trials for the alleged mastermind and his cohorts in New York City, just steps away from Ground Zero, "is not a decision I would have made."

Bringing detainees to the Southern District of New York for a civilian trial risks the disclosure of sensitive intelligence information as the defense requests classified information. In a military system we could have denied the terrorists access to classified information, forcing them to accept military lawyers with security clearances who could see such intelligence but not share it with our enemies.

It may even lead to the release inside the U.S. of terrorists because of a legal technicality or even the acquittal of persons who are guilty.

But perhaps the most disturbing aspect of this decision is that federal criminal courts will provide these war criminals with constitutional rights they would not otherwise enjoy as well as a platform to their spread hateful doctrine. In fact, the terrorists have already made their propaganda strategy clear: The Associated Press reported recently that "the five men facing trial in the Sept. 11 attacks will plead not guilty so that they can air their criticisms of U.S. foreign policy, the lawyer for one of the defendants said Sunday."

Shortly after being sworn into office, President Obama signed an executive order promising to close the Guantanamo Bay detention facility in Cuba. The administration is working on a plan to bring the terrorist-detainees to justice. But the administration erred grossly in deciding to transfer the mastermind of the nation's worst terrorist attacks in our nation and his co-conspirators to this country to be tried in a civilian court just blocks from the site of the

destroyed World Trade Center.

In Congress, I cosponsored the “Keep Terrorists Out of America Act” (H.R. 2294) to prohibit the administration from transferring or releasing any terrorist detainees at Guantanamo Bay to any state without express approval from the state’s governor and legislature. That policy should have been followed in this case.

An overwhelming majority of residents of Florida’s 13th District who have contacted me on this issue believe the terrorists should be tried in military court, not federal court. The attorney general’s decision is not only insensitive to the city and state where this murderous attack occurred, but ignores the voice of the American people. The attorney general should reverse its decision and try the suspected terrorists in a military tribunal where they belong.